

**REDACTED VERSION OF
DOCUMENT(S) SOUGHT TO BE
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**EXHIBIT A TO DECLARATION OF
C. McCORMACK IN SUPPORT OF
DEFENDANTS' MOTION TO STRIKE**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re NVIDIA CORPORATION
SECURITIES LITIGATION

This Document Relates to: All Actions.

Case No. 4:18-cv-07669-HSG

**DECLARATION OF [REDACTED] IN
SUPPORT OF DEFENDANTS' MOTION TO
STRIKE CERTAIN ALLEGATIONS IN
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

1 I, [REDACTED] declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify, I could and would testify competently thereto.

4 2. I am a former Senior Marketing Manager of Consumer Marketing for NVIDIA
5 Corporation (“NVIDIA” or the “Company”).

6 3. I reviewed the description of “FE 5” in the First Amended Complaint (“FAC”)
7 that was filed in this case on May 13, 2020. After reading the description, I believe that I am the
8 former NVIDIA employee identified in the FAC as “FE 5.” Indeed, paragraph 37 of the FAC
9 describes FE 5 as: “NVIDIA’s Head of Consumer Marketing for South Asia from April 2014 to
10 June 2019” who was “based in Bengaluru, Karnataka, India.” That can only be me. I was
11 employed by NVIDIA as the Senior Marketing Manager of Consumer Marketing for South Asia
12 for a little over five years, from April 2014 to June 2019, and was based in Bengaluru,
13 Karnataka, India. I don’t believe that Paragraph 37’s description applies to anyone else.

14 4. Some time in approximately March or April of 2020, I had two telephone calls
15 with a number of people who wanted to ask me some questions about my time working at
16 NVIDIA. (I will refer to them here as the “Investigators.”) When I spoke with the Investigators,
17 I was in a remote rural location in India, and there was a two- or three-day gap between those
18 calls. The two calls with the Investigators lasted approximately 45 minutes each and both were
19 repeatedly disrupted by connection problems.

20 5. I have reviewed the statements that the FAC attributes to FE 5. Several of those
21 statements are untrue and inaccurate, and I certainly did not make them to the Investigators.

22 GeForce Experience

23 6. Paragraph 105 of the FAC states: ***“FE 5 confirmed that the GeForce Experience
24 software informed NVIDIA about how GeForce GPUs were being used, including when they
25 were being used for mining.”*** This statement is false. I did not and could not have told the
26 Investigators that GeForce Experience (“GFE”) data informed NVIDIA when GPUs were being
27 used for mining. I wasn’t responsible for analyzing GFE data, but I knew from my time at
28 NVIDIA that GFE is optional software, related only to gaming. GFE provides information about
how gamers who opt-in to GFE are using their GeForce cards. But I’ve never heard of GFE

1 being used for mining in any way.

2 7. Paragraph 105 of the FAC also states: “*FE 5 stated that NVIDIA knew the
percentage of GeForce GPU sales going to miners by examining the GeForce Experience
data.*” This statement is also false. I didn’t say that to the Investigators. I don’t see how
5 NVIDIA could have known the percentage of sales going to miners from examining GFE data.
6 As I said above, GFE is optional software that provides data about gaming in the field.

7 8. Paragraph 106 of the FAC states: “*FE 5 stated that the usage data contained in
these reports showed that over 60% of GeForce GPU sales during the Class Period were to
miners.*” This statement is false. I never said that to the Investigators. The statement doesn’t
10 make sense to me. I don’t know of any GFE reports that could show that any percentage of sales
11 were to miners.

12 Meeting with Mr. Huang

13 9. Paragraph 37 of the FAC states: “*FE 5 . . . presented GeForce sales data to
Huang personally during one of Huang’s multiple visits to India.*” This statement is false. I
14 attended a meeting with Mr. Huang in 2015 and presented marketing strategies for the India
15 market. But I never presented any GeForce sales data to Mr. Huang.

16 10. Paragraph 91 of the FAC states: “*FE 5 recalled personally presenting sales data
to Huang at a meeting in 2017, attended by approximately ten others.*” This statement is also
17 false. I didn’t say that to the Investigators. I didn’t meet with Mr. Huang in 2017. I told them I
18 had met with Mr. Huang only one time, that the meeting took place in **2015**, and that I presented
19 marketing strategy for the India market. I told the Investigators that cryptocurrency was not a
20 topic of discussion at my meeting with Mr. Huang. I never met with Mr. Huang in 2017 or any
21 time after the 2015 meeting.

22 Sell-in/Sell-out Data

23 11. Paragraph 82 of the FAC states: “[*S*]ell-in/sell-out” data recorded sales
24 throughout the distribution chain and allowed NVIDIA to determine the percentage of
25 GeForce GPUs sold to crypto-miners.” This statement is false. I didn’t say that to the
26 Investigators, and that’s not what sell-in / sell-out data is. Sell-in / sell-out data refers only to
27 NVIDIA’s partners/distributors. It doesn’t say anything about the end user, so it could not have
28

1 told NVIDIA the percentage of GPUs going to crypto miners. I never would have said such a
2 thing.

3 12. Other statements attributed to me in the FAC are also inaccurate and presented
4 misleadingly, but the statements identified above are the key statements.

5 13. Plaintiffs never provided me a copy of the FAC or allowed me to read and review
6 for accuracy the statements attributed to me. If they had, I would have corrected them.

7 14. I am disappointed that my statements have been mischaracterized in the FAC. I
8 am concerned that by putting such untrue statements in the FAC and clearly attributing them to
9 me, as many in the local India market will understand—without even giving me a chance to
10 correct them—Plaintiffs will damage my reputation in the industry. The attorneys from NVIDIA
11 and from Cooley assured me that I did nothing wrong, and that I have a right to clarify the record
12 if I wish. They asked only for the truth and assured me that even if I chose to say nothing
13 further, NVIDIA would respect my privacy and not retaliate in any way.

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15 I declare under penalty of perjury under the laws of the United States that foregoing is
16 true and correct. Executed this 25th day of June 2020, in Bengaluru, Karnataka, India.
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